

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
TEXARKANA DIVISION

ROSIE L. DAVIS, *et al.*

PLAINTIFFS

v.

Case No. 4:88-cv-4082

WILLIAM DALE FRANKS; *et al.*

DEFENDANTS

ORDER

The Court hereby gives notice to the Arkansas Attorney General that a constitutional question has been raised in the above captioned case. The Court deems the constitutional question to be substantial and, pursuant to Fed. R. Civ. P. 5.1(b) and 28 U.S.C. § 2403, hereby certifies the following question:

Whether the Arkansas Public School Choice Act of 2015, as amended by Act 1066 of the Regular Session of 2017, which authorizes the Arkansas Department of Education to determine whether or not a school district has a conflict with participating in school choice, violates the United States Constitution.

The Clerk of Court is hereby directed to serve this Order by certified mail on the Arkansas Attorney General for consideration pursuant to 28 U.S.C. § 2403.

IT IS SO ORDERED, this 23rd day of May, 2018.

/s/ Susan O. Hickey
Susan O. Hickey
United States District Judge